

Message Text

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ACTION L-03

INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01 IO-13

ISO-00 OIC-04 DRC-01 DOTE-00 CAB-09 CIAE-00 COME-00

DODE-00 EB-11 INR-10 NSAE-00 FAA-00 PM-07 H-03 NSC-10

PA-03 PRS-01 SS-15 USIA-15 /179 W

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P R 091320Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 0655

INFO AMEMBASSY BEIRUT

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY TEL AVIV

AMCONSUL MONTREAL

USMISSION USUN NEW YORK

UNCLAS SECTION 1 OF 2 ROME 9350

E.O. 11652: N/A

TAGS: ICAO, ETRN

SUBJ: ICAO AIR SECURITY CONFERENCE: TENTH REPORT OF

USDEL - SEPT. 7

MONTREAL FOR US REP ICAO

PLS PASS TO: LITTELL/CAB; DRISCOLL/DOT; STEWART/FAA

1. SUMMARY: EXECUTIVE COMMITTEE OF ASSEMBLY BY ROLL-CALL VOTE DECIDED AS FOLLOWS FIVE QUESTIONS OF PRINCIPLE FORMULATED BY CHAIRMAN DIALLO REGARDING FRENCH/UK/SWISS PROPOSALS FOR AMENDMENT OF CHICAGO CONVENTION: (1) APPLICATION OF ARTICLE 94(B) REJECTED 11-73(US)-6; (2) AMENDMENT ARTICLE 87 IN ACCORDANCE UK/SWISS PROPOSAL IN WP/3 FAVORED 42(US)-34-14; (3) INCLUSION OF HAGUE AND MONTREAL CONVENTIONS IN CHICAGO FAVORED 65(US)-4-21; (4) INCLUSION UNCLASSIFIED

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OF ARTICLES 12 OF HAGUE AND 14 OF MONTREAL IN CHICAGO

CONVENTION REJECTED 10-62(US)-21; (5) INCLUSION
IN CHICAGO OF PROVISIONS CONCERNING ACTS OF UNLAWFUL INTER-
FERENCE COMMITTED BY STATES FAVORED 63-6(US)-22.

2. IN VIEW OF OVERWHELMING DEFEAT ON QUESTION 1, FRANCE
STATED IT WOULD NOT PROPOSE RESOLUTION UNDER ARTICLE 94(B)
TO ASSEMBLY. VOTE ON QUESTION 2, TO EXPAND ARTICLE
87 SO AS TO IMPOSE PENALTY AGAINST AIRLINES WHEN STATES DO NOT
CONFORM WITH NEW CHAPTER XVIII, WAS FAIRLY EVENTLY DIVIDED
BETWEEN THOSE IN FAVOR AND THOSE OPPOSED OR ABSTAINING AND
DEFINITELY NOT REQUISITE TWO-THIRDS MAJORITY FOR ADOPTION OF
AMENDMENT IN ASSEMBLY. UK DEL KEAN ANNOUNCED AT END OF DAY
THAT HE WOULD CONVENE UNOFFICIAL WORKING GROUP EARLY NEXT
WEEK TO WORK ON AMENDMENTS TO DRAFT TEXT OF NEW ARTICLE 87.
SOME STATES INVOLVED IN MULTINATIONAL AIRLINES UNABLE SUPPORT
UK/SWISS DRAFT UNTIL ISSUE OF POOLING ARRANGEMENTS RESOLVED.
THERE WAS CONCERN THAT ACTS OF ONE STATE IN POOL MIGHT CAUSE
ALL PLANES TO BE AFFECTED.

3. WHEN COMMITTEE CONVENED, CHAIRMAN DIALLO ANNOUNCED
REMAINING SPEECHES ON THESE QUESTIONS OF PRINCIPLE WOULD
BE LIMITED TO THREE MINUTES AND VOTE ON THEM WOULD BE IN
ORDER IN WHICH THEY APPEARED IN WORKING PAPER.

4. REGARDING QUESTION 2, US STATED IT WANTED AS EFFECTIVE
INSTRUMENT AS POSSIBLE FROM ASSEMBLY AND THEREFORE SUPPORTED
UK/SWISS AMENDMENT OF ARTICLE 87.

5. SUDAN THE PREVIOUS DAY HAD CIRCULATED WP/16 PRESENTING
FOLLOWING AMENDMENT OF ART. 88 AS ALTERNATIVE TO UK/SWISS/
AMENDMENT OF ART. 87:

QTE: A) IF THE ASSEMBLY, ON THE RECOMMENDATION OF THE COUNCIL,
DETERMINES THAT A CONTRACTING STATE IS NOT ACTING IN CONFORMITY
WITH THE PROVISIONS OF CHAPTER ..., IT MAY REQUIRE, BY A TWO-
THIRDS MAJORITY VOTE, EACH CONTRACTING STATE TO PREVENT THE
OPERATION IN ITS TERRITORY OF AIRCRAFT OF THE CONTRACTING STATE
CONCERNED.

B) THE ASSEMBLY, BY A TWO-THIRDS MAJORITY VOTE, MAY ALSO
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SUSPEND THE VOTING POWER IN THE ASEMBLY AND IN THE
COUNCIL OF ANY CONTRACTING STATE THAT IS FOUND IN DEFAULT
UNDER THE PROVISIONS OF THIS CHAPTER. UNQTE DIRECTOR
OF LEGAL BUREAU SAID CONSIDERATION OF WP/16 OUT OF ORDER
UNLESS ASSEMBLY RULE 10(C) (ADVANCE CIRCULATION OF AMENDMENT
TEXT) SUSPENDED AND THEN PLENARY ALSO INCLUDED IT ON AGENDA.
NORWAY SAID THAT BEFORE EXECUTIVE COMMITTEE COULD VOTE ON
SUDANESE ALTERNATIVE PROPOSAL, NEGATIVE VOTE ON QUESTION OF

AMENDING ART. 87 WOULD BE NECESSARY. SUDAN MOVED THAT COMMITTEE VOTE FIRST ON ITS PROPOSAL, WHICH HAD BEEN SUPPORTED BY QATER, AS AN AMENDMENT TO UK/SWISS PROPOSAL. DIALLO RULED SUDANESE WAS ALTERNATIVE PROPOSAL AND UNDER RULE 51 MUST BE CONSIDERED AFTER MAIN PROPOSAL. SUDAN APPEALED RULING. COMMITTEE VOTED 53 (US) AND 1 (SUDAN) UPHOLDING DIALLO THAT IT WAS ALTERNATIVE TO QUESTION 2 AND THEREFORE WOULD BE CONSIDERED ONLY IF VOTE ON THIS QUESTION NEGATIVE.

6. ISRAEL AND CONGO REQUESTED ROLL-CALL VOTE ON FIRST THREE QUESTIONS AND NIGERIA REQUESTED SECRET BALLOT. SECRET BALLOT ON WHETHER OR NOT HAVE SECRET BALLOT ON QUESTIONS OF PRINCIPLE WAS 27-62(US)-1. THEREFORE ROLL-CALL VOTE HELD WITH RESULT AS REPORTED IN PARA 1. IMMEDIATELY THEREAFTER LEBANON MOVED CLOSURE OF DEBATE ON QUESTION 4 AND US AND KUWAIT REQUESTED ROLL-CALL VOTE.

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7. AFTER THIS VOTE, SWITZERLAND PRESENTED WP/15 (ADDITIONAL ARTICLE TO CHICAGO ON ACTS OF UNLAWFUL INTERFERENCE BY STATES) AS ADDITION TO FRENCH/UK/SWISS PROPOSAL. USSR SAID MORE TIME SHOULD BE GIVEN FOR STUDY OF THIS PROPOSAL WHICH WAS NOT TASK GIVEN TO ASSEMBLY. LEBANON FAVORED INCLUSION IN CHICAGO CONVENTION OF AN ARTICLE CONCERNING ACTS OF STATES. NETHERLANDS EMPHASIZED ANY VOTE ON QUESTION 5 ONLY ON PRINCIPLE. ISRAEL SAID ITS VOTE WOULD BE CONDITIONAL PENDING UNCLASSIFIED

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ACTUAL TEXT OF AMENDMENT AND PROPOSED, WITH SUPPORT FROM BOLIVIA AND CONGO, THAT COMMITTEE ADJOURN BUT THIS WAS VOTED DOWN 30-26 US ABSTAINED.

8. DIALLO THEN TURNED COMMITTEE INTO BRIEF PLENARY MTG. BARBADOS PROPOSED SUSPENSION OF ASSEMBLY RULE 10 D) IN ORDER INCLUDE ITEM ON AGENDA REGARDING ACTS OF STATES FOR PURPOSES OF (1) DISCUSSING QUESTION 5 AND (2) CONSIDERING WP/15 FOR AMENDMENT OF CHICAGO CONVENTION. THERE WAS NO OPPOSITION BUT UGANDA REQUESTED RECORDING IN MINUTES ITS VIEW THAT SUSPENSION OF RULE 10 D) DANGEROUS PRECEDENT FOR CASUAL AMENDMENTS TO CONVENTION. WHEN COMMITTEE RECONVENED FRANCE REQUESTED ROLL-CALL VOTE ON QUESTION 5.

9. AT END OF DAY PRESIDENTS DIALLO AND SCIOLLA-LAGRANGE HELD JOINT INFORMAL MTG OF ASSEMBLY AND CONFERENCE TO DISCUSS SCHEDULE OF MTGS FOR NEXT WEEK. MTG VOTED OVERWHELMINGLY TO CONTINUE HOLDING CONFERENCE AND ASSEMBLY ON ALTERNATE DAYS.

10. FOR DEPT'S INFO FOLLOWING IS BREAKDOWN OF VOTES:
QUESTION 1 (ART. 94(B)) WAS UNANIMOUSLY OPPOSED BY ARAB BLOC, ASIANS, AND SOVIET BLOC, AND ALMOST UNANIMOUSLY BY WESTERN EUROPEANS AND OTHERS (WEO) (GREECE, ISRAEL, AND PORTUGAL SUPPORTED; ITALY, TURKEY AND UK ABSTAINED). LATIN AMERICAN VOTE WAS MIXED WITH COLOMBIA, COSTA RICA, GUATEMALA, SHONDURAS, NICARAGUA AND PARAGUAY SUPPORTING, AND BARBADOS, BOLIVIA, BRAZIL, CHILE, ECUADOR, JAMAICA, MEXICO AND TRINIDAD AND TOBAGO OPPOSED. ARGENTINA AND VENEZUELA ABSTAINED.

11. QUESTION 2 (UK/SWISS VERSION OF AMENDED ART. 87) WAS

SUPPORTED BY ARAB BLOC EXCEPT ALGERIA, EGYPT AND TUNISIA WHICH OPPOSED. ALL OTHER AFRICANS VOTED AGAINST EXCEPT SIERRA LEONE SUPPORTED AND MAURITIUS, ZAIRE, UPPER VOLTA, AND ETHIOPIA ABSTAINED. ALL WEO SUPPORTED, EXCEPT BELGIUM AND NORWAY WHO OPPOSED AND DENMARK, FINLAND, SWEDEN, ABSTAINED. (NOTE: NONE OF NORDICS SUPPORTED.). LATIN AMERICANS WERE DIVIDED WITH COLOMBIA, COSTA RICA, GUATEMALA, HONDURAS, NICARAGUA, PANAMA, AND PARAGUAY SUPPORTING; ARGENTINA, BARBADOS, BOLIVIA, BRAZIL, CHILE, ECUADOR, JAMAICA AND MEXICO OPPOSED. (TRINIDAD AND TOBAGO AND VENEZUELA ABSTAINED.) UNCLASSIFIED

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ALL ASIANS SUPPORTED EXCEPT SRI LANKA OPPOSED, AND BANGLADESH, INDONESIA, IRAN AND PAKISTAN ABSTAINED. SOVIET BLOC EXCEPT YUGOSLAVIA (SUPPORTING) WAS UNANIMOUSLY OPPOSED.

12. QUESTION 3 (INCORPORATION OF PROVISIONS OF HAGUE AND MONTREAL IN CHICAGO) WAS UNANIMOUSLY SUPPORTED BY ARAB BLOC, WEO (BELGIUM ABSTAINING), LATIN AMERICANS (BARBADOS, JAMAICA, MEXICO, AND VENEZUELA ABSTAINING), AND ASIANS (IRAN AND PAKISTAN ABSTAINING). ONLY A FEW AFRICANS SUPPORTED (MAURITIUS, SENEGAL, SIERRA LEONE, RWANDA, UPPER VOLTA, NIGERIA AND ETHIOPIA), WITH BURUNDI, CAMEROON, CENTRAL AFRICAN REPUBLIC, CONGO, MALI, SWAZILAND, ZAIRE, MADAGASCAR AND GHANA ABSTAINING, AND KENYA, TANZANIA AND UGANDA OPPOSING. SOVIET BLOC ADETAINED EXCEPT CUBA OPPOSED AND YUGOSLAVIA SUPPORTED.

13. QUESTION 4 (SUBSTITUTION OF HAGUE AND MONTREAL DISPUTES SETTLEMENT PROVISIONS FOR CHICAGO PROVISIONS) WAS OPPOSED WITH FEW EXCEPTIONS BY ALL GROUPS, INCLUDING (1) ARAB BLOC AND AFRICANS (ALGERIA, JORDAN, SAUDI ARABIA, IRAQ SUPPORTED, SYRIA, TUNISIA, UNITED ARAB EMIRATES, MAURITIUS, ZAIRE, AND GHANA, ABSTAINED); (2) WEO (BELGIUM AND ISRAEL SUPPORTED; AUSTRALIA, PORTUGAL AND TURKEY, ABSTAINED); (3) LATIN AMERICANS (ARGENTINA, BOLIVIA AND BRAZIL, SUPPORTED; BARBADOS, CHILE, JAMAICA AND MEXICO, ABSTAINED); (4) ASIANS (SRI LANKA SUPPORTED; BANGLADESH, INDIA AND PAKISTAN, ABSTAINED); AND (5) THE SOVIET BLOC (CZECHOSLOVAKIA, USSR, PDR OF YEMEN, AND YUGOSLAVIA ABSTAINED).

14. QUESTION 5 (INCLUSION OF STATE ACTION PROVISIONS) WAS SUPPORTED WITH FEW EXCEPTIONS BY (1) ARAB BLOC (NO EXCEPTIONS); (2) WEO (AUSTRALIA, FRG AND GREECE ABSTAINED); (3) LATIN AMERICANS (CHILE OPPOSED, COSTA RICA, MEXICO AND VENEZUELA ABSTAINED; BOLIVIA AND PARAGUAY ABSENT); AND (4) ASIANS (NO EXCEPTIONS). THE AFRICANS WERE DIVIDED WITH CAMEROON, CONGO, KENYA, TANZANIA AND UGANDA, OPPOSED; MAURITIUS, SENEGAL, SIERRA LEONE, SWAZILAND, RWANDA AND NIGERIA SUPPORTING; AND BURUNDI, CENTRAL AFRICAN REPUBLIC, MALI,

ZAIRE, MADAGASCAR, UPPER VOLTA, GHANA AND ETHIOPIA,
ABSTAINING. SOVIET BLOC ABSTAINED WITH EXCEPTIONS OF PDR OF
YEMEN AND YUGOSLAVIA WHICH SUPPORTED.
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15. EB/OA/AVP PLS PASS ATA AND ALPA (JACK BAVIS).VOLPE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 09 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
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From: ROME
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730946/aaaabibl.tel
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Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: UNCLASSIFIED
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Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: martinjw
Review Comment: n/a
Review Content Flags:
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Review Transfer Date:
Review Withdrawn Fields: n/a
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Subject: ICAO AIR SECURITY CONFERENCE: TENTH REPORT OF USDEL - SEPT. 7
TAGS: ETRN, ICAO
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005